

CONFIDENTIAL – PRODUCED PURSUANT TO PROTECTIVE ORDER

From: Wargo, Joseph D. [jwargo@wargofrench.com]
Sent: 10/3/2017 7:48:13 PM
To: Lexi Haden [LHaden@mimedx.com]
Subject: FW: Forensic Linguistic Report - Tyson twitter matter
Attachments: MintzGroup_Tweet_Analysis_Report_10.02.17.pdf; FITZGERALD - CV - Aug2017.pdf

Done.

From: jfitzge176@aol.com [mailto:jfitzge176@aol.com]
Sent: Tuesday, October 03, 2017 7:47 PM
To: Sdresher@mintzgroup.com; PTowill@sheppardmullin.com; Pernini, David M.; Wargo, Joseph D.
Subject: Forensic Linguistic Report - Tyson twitter matter

Staci, David, Jeff, et al,
As per our recent phone discussion, attached is my report re caption civil matter.
For your edification, I've also included my CV.

Please feel free to contact me if you have additional questions.

Best,
Jim Fitzgerald

-----Original Message-----

From: Staci Dresher <Sdresher@mintzgroup.com>
To: Polly Towill <PTowill@sheppardmullin.com>; 'jfitzge176@aol.com' <jfitzge176@aol.com>;
'dpernini@wargofrench.com' <dpernini@wargofrench.com>; 'Wargo, Joseph D.' <jwargo@wargofrench.com>
Sent: Tue, Oct 3, 2017 4:56 pm
Subject: Call re: Aurelius and Mike Tyson forensic language analysis results

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James R. Fitzgerald, M.S.
Criminal Profiler and Forensic Linguist
Entertainment and Media Consultant
Author

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www.jamesrfitzgerald.com

INTRODUCTION

Mr. Fitzgerald began his law enforcement career in Bensalem Township, Pennsylvania, in 1976 and had attained the rank of Sergeant by the time he left in 1987. His first assignment as an FBI Special Agent was in the New York Field Division working on the Joint Bank Robbery Task Force where he investigated bank robberies, armored car robberies, kidnapping, threats and extortion. In 1995, he was promoted to the position of Criminal Profiler at the National Center for the Analysis of Violent Crime at the FBI Academy in Quantico, Virginia. There, he focused on the crimes of homicide, serial rape, kidnapping, extortion, product tampering, domestic, workplace, and school violence, text analysis, and threat assessment. Also during that time, Mr. Fitzgerald became an integral member of the UNABOM Task Force in San Francisco, California, where his work proved instrumental in the arrest and successful prosecution of Theodore Kaczynski, also known as the Unabomber. A fully qualified forensic linguist, he has testified numerous times as an expert witness in criminal courts throughout the U.S. Mr.

James R. Fitzgerald Curriculum Vitae [2]
 Fitzgerald designed and developed the FBI's Communicated Threat Assessment Database (CTAD), a first-of-its-kind fully searchable repository for all threatening and criminally-oriented communications. He has also published numerous articles and books. As a practitioner, he offers operational assistance and expert testimony in areas related to threat assessment, text analysis, and forensic linguistics. He also provides training in the area of forensic linguistics.

EDUCATION

M.S. Linguistics, Georgetown University (2005)
 M.S. Human Organizational Science, Villanova University (1988)
 B.S. Law Enforcement and Corrections, Pennsylvania State University (1975)

CAREER SUMMARY

2012 – 2013 **A&E's "Killer Profile" – Executive Producer and Co-Host**

2008 – Present: **CBS TV's "Criminal Minds" – Technical Advisor**

2016 – 2017: **Discovery Channel's "Manhunt: The Unabomber" – Producer**

2007 – 2016: **The Academy Group, Inc. (AGI), Manassas, Virginia**
Violent Crime Consultant and Forensic Linguist Expert

At AGI, Mr. Fitzgerald's duties included, but were not limited to, analyses/assessment of threatening and/or criminally oriented communications within both the criminal and private sector; rendering expert opinions as to the possible authorship of anonymous communications; offering expert testimony in forensic linguistic related matters; teaching one-day to week-long courses in "Threat Assessment and Text Analysis: From a Forensic Linguistic Perspective"; offering training and guidance in matters related to workplace violence.

Mr. Fitzgerald was instrumental in creating and designing AGI's Communicated Threat Assessment Resource Corpus (CTARC), and AGIware, CTARC's operating system. This is a state-of-the-art analytical tool for assessing and linking threatening, criminally oriented, and problematic communications. It was the only private sector corpus/database of its kind in the United States.

1987 – 2007: **Federal Bureau of Investigation, Quantico, Virginia**

Supervisory Special Agent (SSA), 1995 – 2007: Assigned to the Behavioral Analysis Unit-1 (BAU-1) whose primary mission is to serve the FBI and local and state law enforcement agencies by providing advice and support in the areas of criminal profiling and forensic linguistics, including threat assessment, textual analysis, and matters relating to counterterrorism. BAU-1 personnel review crimes from both linguistic and behavioral perspectives. Crimes investigated include homicide, sexual assaults, threats, extortion, stalking, kidnapping, product tampering, domestic and international terrorism, and other crimes in which text may be involved.

James R. Fitzgerald Curriculum Vitae [3]
 Instructional courses offered in areas related to counterterrorism, threat assessment, and forensic linguistics both within the US and internationally. These topics were also presented at the FBI Academy to New Agent Trainees, National Academy Students, and to other US and International students.

Developed and was primary instructor for the “Forensic Linguistic Workshop for Law Enforcement Practitioners.” This week-long training course was the first and only of its kind offered to law enforcement personnel in the U.S. There were four separate workshops offered between 2004 and 2007.

Designated Threat Assessment/Textual Analysis Program Manager in 2003. Designed and implemented the FBI’s Communicated Threat Assessment Database (CTAD), a software-based program that is now the primary repository for all threatening communications received by the FBI. Its purpose is to categorize, catalogue, and facilitate advanced searches of all threatening communications for purposes of determining threat level and authorship of incoming communications.

Special Agent (SA), 1987 – 1995: Assigned to the FBI’s New York Division. Initially assigned to the Joint Bank Robbery Task Force that, along with bank and armored car robberies, also investigated kidnapping, sexual exploitation of children, extortions, product tampering, and assaults on federal officers. Later transferred to the Gang Squad where the same violent crimes were worked as well as a specialty in outlaw motorcycle gangs.

1976 – 1987: Bensalem Township Police Department, Bensalem, Pennsylvania

Attained rank of detective sergeant in 1982. Duties included investigating numerous homicides, rapes, assaults, and other felony cases.

1985 – 1987: Instructor, Montgomery County (PA) Community College.

Taught several courses in the criminal justice field.

FACULTY APPOINTMENTS

2009 – Present The Richard Stockton University of New Jersey, Pomona, NJ
 Adjunct Faculty - Forensic Linguistics

2008 – Present Hofstra University, Hempstead, NY
 Adjunct Faculty - Forensic Linguistics

SPECIALIZED TRAINING

1988 Sex Crimes In-Service, Westchester, NY
 1989 Advanced Evidence Collection, FBI Academy
 1992 Advanced Sex Crimes In-Service, FBI Academy

James R. Fitzgerald Curriculum Vitae [4]

1993 Kidnapping In-Service, FBI Academy

1994 New York Police Department Homicide Investigation School, NY

1994 General Police Instructor, NY

1995 Armed Forces Institute of Pathology, Death Investigation Course, FBI Academy

1995 Interpersonal Violence (three month advanced training program at the FBI Academy)

1998 Threat Assessment Seminar, FBI Academy

1999 Psychopathy Assessment Seminar, FBI Academy

1999 Text Analysis/Authorial Attribution Seminar, FBI Academy

1999 Risk Assessment Conference, FBI Academy

2000 American Academy of Religions Conference, Nashville, TN

2001 Forensic Psychiatry Symposium, FBI Academy

2001 Advanced Text Analysis/Authorial Attribution Seminar, FBI Academy

2001 International Criminal Investigative Analysts Fellowship Seminar, Key West, FL

2002 Terrorism Symposium, FBI Academy

2002 Georgetown University Roundtable Conference on Languages and Linguistics, Washington, DC

2002 Workplace Violence Seminar, Leesburg, VA

2002 International Criminal Investigative Analysts Fellowship Seminar, Ft. Myers, FL

2003 Domestic Violence Seminar, Leesburg, VA

2006 Counterterrorism Training, Washington, DC

2006 Expert Testimony Training, FBI Academy

OTHER TRAINING

1976 Municipal Police Officer Training Course, Pennsylvania State Police Academy

1984 POSIT/POLEX Police Management Course, Pennsylvania State University

1986 FBI National Academy (147th Session)

1988 New Agent Training, FBI Academy

MAJOR INVESTIGATIONS/ASSIGNMENTS

1993 World Trade Center Bombing

1995 – 1998 UNABOM Case

1998 – 2001 Olympics/Southeastern Bombings Task Force

1997 – 1999 Upper East Side Rapist Case with the New York City Police Department

1998 – 2001 Abortion Doctor Shootings Investigation, International Fugitive Hunt

2000 Ten day fugitive hunt/hostage standoff of spree killer, Baltimore County, MD

2001 Double Homicide of Dartmouth College Professors, Hanover, NH

2001 – 2007 9/11 attacks and Anthrax Investigations

2002 Homicide of *Wall Street Journal* reporter, Pakistan

2002 Washington, DC, metropolitan area Sniper Case

2003 Detainee interview process, Guantanamo Bay, Cuba

2004 Olympic Games Deployment, Athens, Greece

2005 Serial Bomber Case, Venice, Italy

2006 United Nations International Independent Investigation Commission, 2005 Assassination of Lebanese Prime Minister

James R. Fitzgerald	Curriculum Vitae	[5]
2012	Frederick R. Heebe v. Henry L. Mencken1951 (Civil Lawsuit – Civil District Court for the Parish of New Orleans, State of Louisiana.	

INTERNATIONAL LIAISON

- 2001 Arranged two-week visit of a forensic linguist from the Bundeskriminalamt (German Federal Police) to the BAU for purpose of sharing information on text analysis, threat assessment, authorial attribution, databases, and other related matters.
- 2002 A weeklong visit to the Bundeskriminalamt in Wiesbaden, Germany, for the purpose of reviewing their Forensic Linguistic Unit from an operational and administrative perspective. Training was provided to German investigators while there.
- 2006 Co-sponsored, along with other BAU-1 personnel, a police psychologist from the Metropolitan Police Department, New Scotland Yard, London, England.
- 2007 Sponsored a psychologist with the Australian Crime Commission, along with a police sergeant from New South Wales Police Department, to undertake a joint FBI/Australian Crime Commission research project regarding threat assessment.
- 2011 Sponsored a forensic linguist from Aston University, Birmingham, England, as a visiting scholar to review AGI's CTARC.

EXPERT TESTIMONY

- 1999 Madison County, West Virginia: qualified in state court as expert in sexual assault and rapist typologies, testified to same in pre-trial hearing in rape prosecution. (West Virginia v. Gullet)
- 2000 U.S. District Court, Newark, New Jersey: qualified in federal court as expert in textual analysis, testified to same at trial in stalking prosecution. This is the first time that testimony relating to textual analysis was allowed in U.S. Federal Court. (U.S. v. VanWyk)
- 2003 Morgan County, Ohio: qualified in state court as expert in forensic linguistics, testified to same in pre-trial hearing in arson prosecution. (Ohio v. Baker)
- 2004 Lycoming County, Pennsylvania: qualified in state court as expert in textual analysis, testified to same at trial in homicide prosecution. (Pennsylvania v. Illes)
- 2005 U.S. District Court, Lubbock, Texas: qualified in federal court as expert in forensic linguistics, testified to same at trial in child pornography prosecution. (U.S. v. Cole)
- 2006 York County, Pennsylvania: qualified in state court as expert in forensic linguistics, testified to same in pre-trial hearing in homicide prosecution. (Pennsylvania v. Hummert)
- 2007 Middlesex County, New Jersey: qualified in state court as expert in forensic linguistics, testified to same in grand jury, pre-trial hearing, and trial in homicide prosecution. (New Jersey v. McGuire)
- 2009 Pennsylvania v. Perez: provided expert testimony in forensic linguistics in double-homicide trial.
- 2010 Bedford County, Virginia: provided expert testimony in homicide trial. (Virginia v. Earnest)
- 2010 U.S. District Court, District of Utah, Central Division: qualified in federal court as expert in forensic linguistics. (U.S. v. Zajac)

James R. Fitzgerald	Curriculum Vitae	[6]
2012	Dallas, Texas: provided expert testimony in forensic linguistics/authorial attribution analysis in state civil court trial. (Coppinger v. Ramsay)	
2017	Newark, New Jersey: provided expert testimony in forensic linguistics/authorial attribution analysis in state civil court trial. (Smith v. Township of Irvington)	

MAJOR CONFERENCES AND PRESENTATIONS

1994 Mid-Atlantic Food and Drug Investigators Seminar, Brooklyn, NY

1997 Police Institute of Pennsylvania, Somerset, PA

1997 French Delegation to the U.S., FBI Academy, Quantico, VA

1997 Domestic Terrorism Seminar, Phoenix, AZ

1997 FBI Polygraph Examiner Conference, Myrtle Beach, SC

1998 Army CID, Ft. Campbell, KY

1998 Austrian Criminal Justice Delegation, FBI Academy

1998 Committee on Legal Issues Pertaining to Animals, New York, NY

1998 Forensic Nursing Program, Rutgers University, New Brunswick, NJ

1998 Operation Safeguard II, New York, NY

1998 Canadian-American Cooperative Association, Alexandria Bay, NY

1998 Syracuse Police Department Homicide Investigation School, Syracuse, NY

1998 Explorer Scout National Law Enforcement Symposium, College Park, MD

1998 FBI National Academy Enrichment Night, FBI Academy, Quantico, VA

1998 Gresham Police Department Animal Cruelty/Adult Violence Symposium, Gresham, OR

1998 Northwestern School of Law of the Lewis and Clark College, Portland, OR

1998 International Association for Identification, Cape May, NJ

1999 Forensic Psychiatry Symposium, Walter Reed Army Medical Center, Washington, DC

1999 Kings County District Attorney's Office Sexual Assault/Domestic Abuse Seminar, Brooklyn, NY

1999 Association of Threat Assessment Professionals, Regional Conference, Washington, DC

1999 Violent Crime Seminar, Ann Arbor, MI

1999 Association of Threat Assessment Professionals, National Conference, Anaheim, CA

1999 Evidence Response Team Seminar, San Diego, CA

1999 New York Prosecutors Training Institute, Syracuse, NY

1999 17th FBI National Academy Retraining Session, Vienna, Austria

1999 FBI Interpersonal Violence Training Program, Threat Assessment/Text Analysis Block, FBI Academy, Quantico, VA

2000 Community Partnership Program, Philadelphia, PA

2000 American Judges Association Educational Conference, Atlantic City, NJ

2000 Weapons of Mass Destruction Conference, San Diego, CA

2000 Association of Government Attorneys Engaged in Capital Litigation, Denver, CO

2000 Association of Threat Assessment Professionals, National Conference, Anaheim, CA

2000 National Center for the Analysis of Violent Crime Regional Conference, Hershey, PA

2001 Community Partnership Program, Philadelphia, PA

2001 International Criminal Investigative Analysts Fellowship Conference, Key West, FL

2001 International Association of Forensic Linguists Conference, Valletta, Malta

2001 FBI National Academy Retraining Session, State College, PA

James R. Fitzgerald	Curriculum Vitae	[7]
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2002 Workplace Violence, Threat Assessment, Text Analysis Seminar for Boeing and Microsoft Corporations and local law enforcement agencies, Seattle, Washington

2003 – 2007 Forensic Linguistic/Threat Assessment/Textual Analysis, ongoing instructional block at the FBI National Academy

2004 FBI/John Jay College/New Scotland Yard Biennial Conference, Bucharest, Romania

2004 FBI Regional Conference, Anchorage, AK

2004 Forensic Linguistic/Threat Assessment/Textual Analysis instructional block, New South Wales Police Crime Management Facility, Parramatta, Australia

2004 – 2007 Forensic Linguistic Workshop for Law Enforcement Practitioners, FBI Academy, first-of-its-kind workshop incorporating concepts of forensic linguistics within a law enforcement/investigative framework

2005 FBI Regional Conference, Boise, ID

2005 Forensic Linguistic/Threat Assessment/Textual Analysis instructional block, Texas Tech University School of Law, Lubbock, TX

2005 Ohio Judges Conference, Columbus, OH

2005 Academy of Modern Languages Conference, Washington, DC

2006 Forensic Linguistic Presentation, Hofstra University, Hempstead, NY

2006 FBI New York Division, Serial Bank Robber Presentation

2006 Harvard University Law School, Forensic Linguistics and the Law Presentation, Cambridge, MA

2006 FBI Regional Conference, Ft. Lauderdale, FL

2006 FBI Regional Conference, Eugene, OR

2006 Forensic Linguistic/Threat Assessment/Text Analysis instructional block, multi-agency conference sponsored by U.S. Park Police, Ellis Island, NY

2006 International Association of Forensic Linguists Conference, Barcelona, Spain

2006 Weapons of Mass Destruction Conference, Sponsored by FBI, Indianapolis, IN

2006 Association of Threat Assessment Professionals, Arlington, VA

2006 – Present Georgetown University, visiting lecturer once or twice per semester in linguistics Classes, Washington, DC

2007 Georgetown University, Forensic Linguistics Roundtable Discussion, Washington, DC

2007 U.S. Air Force Academy, Colorado Springs, CO

2007 Forensic Linguistic Presentation, University of Coruna, Coruna, Spain

2007 Forensic Linguistic Presentation, National Institute of Science, Washington, DC

2007 FBI Regional Conference, UCLA, Los Angeles, CA

2007 Dutch National Police Threat Assessment Conference, Leiden, The Netherlands

2007 FBI Regional Conference, Pennsylvania State Police Academy, Hershey, PA

2007 Violent Crime Seminar, Curitiba, Brazil

2008 Two-Day Forensic Linguistic Seminar, University of Cambridge, Cambridge, UK

2008 Forensic Linguistic Presentation, New Jersey State Police Homicide School, Princeton University, Princeton, NJ

2008 Four-Day Forensic Linguistic Course, Cal State Fullerton, Garden Grove, CA

2008 Four-Day Forensic Linguistic Course, Edmonton Police Services, Edmonton, Alberta, Canada

2009 Forensic Linguistics, Arcadia University, Willow Grove, PA

2009 Forensic Linguistics and Threat Assessment, John Jay College, New York, NY

James R. Fitzgerald	Curriculum Vitae	[8]
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2009 Colorado Association of Robbery Investigators
 2009 International Association of Forensic Linguists, bi-annual conference, Amsterdam, The Netherlands
 2009 Lecture in Forensic Linguistics, University of Murcia, Murcia, Spain
 2009 Week-long course in Forensic Linguistics, University of Pompeu Fabra, Barcelona, Spain
 2011 Week-long course in Forensic Linguistics, Royal Canadian Mounted Police, Manassas, VA
 2011 Invited Instructor, Aston University International Summer School in Forensic Linguistic Analysis, Birmingham, England
 2011 International Association of Forensic Linguists, bi-annual conference, Birmingham, England
 2011 Forensic Linguistic Presentation, Central Intelligence Agency, Langley, VA
 2011 Forensic Linguistic/Threat Assessment Presentation, Intelligence Agency (classified), London, England
 2012 Forensic Linguistics, Authorial Attribution, and Staged Suicide Communications, John Jay College, New York, NY
 2012 Forensic Linguistic/Threat Assessment Presentation, Black Police Officers Association National Conference, Philadelphia, PA
 2013 Forensic Linguistic Case Study Review, Touro Law School, Suffolk County, NY
 2013 Forensic Linguistic Presentation/Case Studies, American Criminal Justice Association Conference, Keynote Speaker, Valley Forge, PA
 2013 Forensic Linguistic Presentation/Case Studies, Black Police Officers Association, Miami, FL
 2013 Forensic Linguistic Presentation/Case Studies, New Jersey State Police Homicide Conference, Atlantic City, NJ
 2014 Forensic Linguistic Presentation, Universidad Autonoma de Madrid, Madrid, Spain
 2014 Forensic Linguistic Presentation, Cardiff University, Cardiff, Wales
 2014 Forensic Linguistic Presentation, Aston University, Birmingham, UK
 2014 Forensic Linguistic Presentation, Lancaster University, Lancaster, UK
 2015 Forensic Linguistic Five-Day School, U.S. Department of Agriculture
 2017 Forensic Linguistic Two-Day Police School, Toronto, Canada
 2017 Unabom Investigation Presentation and Book Talk, Newseum, Washington, D.C.

PROFESSIONAL ASSOCIATIONS

Association of Threat Assessment Professionals, Full Member
 International Association of Forensic Linguists, Full Member
 Vidocq Society, Full Member
 International Criminal Investigative Analyst Fellowship, Full Member

RESEARCH PROJECTS

1997 – 2000 FBI - Radford University Serial Rapist Research Project
 1998 – 2007 FBI - BAU-1 Communicated Threat Assessment Database (CTAD) design and implementation
 2005 Language and Gender Research Project Master's Thesis, Georgetown University

James R. Fitzgerald

Curriculum Vitae

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MEDIA INTERVIEWS

- 1997 FOX TV's America's Most Wanted
- 1999 *Philadelphia Inquirer* Sunday Magazine
- 1999 CBS TV's 60 Minutes II
- 1999 *Hamilton Spectator*, Hamilton, Ontario, Canada
- 1999 National Public Radio WHYY-FM, Philadelphia, PA
- 1999 Philadelphia Daily News
- 1999 ORF, Austrian Broadcasting Corporation, "Blue Danube Radio Show," Vienna, Austria
- 1999 Canadian Broadcasting Corporation, "A Current Affair," Winnipeg, Manitoba, Canada
- 2000 Press conference with numerous electronic and print media outlets, Concord, NH
- 2000 WKBW-TV, Buffalo, NY
- 2001 KDKA-TV, Pittsburgh, PA
- 2001 WRGB-TV, Albany, NY (Tivoli Bay, NY)
- 2001 Press briefing with numerous electronic and print media outlets, Washington, DC
- 2001 CNN, FOX, ABC, NBC, *Philadelphia Inquirer*, Washington, DC
- 2004 Australian Broadcasting Corporation, "A Current Affair," press conference with various electronic and print media outlets; live radio interview, "The Richard Gordon Show," both in Parramatta, Australia
- 2006 *Washington Times*
- 2006 CNN
- 2006 "Criminal Minds" TV show, first season DVD, profiling related interview in Special Features section
- 2006 Press conference with numerous electronic and print media outlets, Seattle, WA
- 2008 Ronald Kessler, September 19, 2008, "FBI Profiler Had It Right in Anthrax Case," www.newsmax.com
- 2008 Kristen McNamara and Suzanne Barlyn, December 15, 2008, "PRACTICE MANAGEMENT: What Motivates White Collar Criminals?" Dow Jones News Service
- 2009 Fox TV's America's Most Wanted
- 2009 *La Vanguardia* Newspaper, Barcelona, Spain
- 2012 *Frankischer Tag* Newspaper, Bamberg, Germany
- 2012 *New Yorker Magazine*
- 2012 *Newsmax*
- 2012 *Washington Post*
- 2015 *Don Lemon Show*, CNN, May 21, 2015
- Newsroom Weekend*, CNN, September 12, 2015
- Erin Burnett Show*, CNN, June 18, 2015, July 15, 2015, September 10, 2015, October 2, 2015, December 3, 2015
- Crime Time TV with Allison Hope Weiner*, July 21, 2015, August 25, 2015, September 10, 2015, November 1, 2015, December 22, 2015
- 2016 *Erin Burnett Show*, CNN, June 16, 2016
- Fox News; Yahoo News; AOL Live; CBS Online; Entertainment Tonight Online, September 16, 2016
- CBS TV's *The Case of: Jon Benet Ramsey*, September 18, 19, 2016
- WUSA 9 – TV, Washington, DC, September 19, 2016
- 2017 Discovery Channel's *Manhunt: The Unabomber*, August-September 2017, Producer

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James R. Fitzgerald	Curriculum Vitae	[10]
2017	<i>Philadelphia Inquirer</i> , July 27, 2017	
2017	Newsweek.com, July 28, 2017	
2017	Fox News Radio	
2017	NPR's <i>Fresh Air</i> , August 22, 2017	
2017	NPR's <i>Here and Now</i> , August 22, 2017	

PUBLICATIONS

- 2003 "Workplace violence: from threat to intervention," in *Clinics in Occupational and Environmental Medicine*, on Violence in the Workplace
- 2004 "Using A Forensic Linguistic Approach to Track the Unabomber," in *Profilers*, Campbell, John H., and DeNevi, Don, Prometheus Books
- 2006 "Forensic Linguistic Services at the Behavioral Analysis Unit-1," an FBI handbook detailing services offered at the BAU-1
- 2007 "The FBI's Communicated Threat Assessment Database; History, Design, and Implementation," in *FBI Law Enforcement Bulletin*
- 2014 *A Journey to the Center of the Mind, Book I*, Infinity Publishing
- 2017 *A Journey to the Center of the Mind, Book II*, Infinity Publishing
- 2017 *A Journey to the Center of the Mind, Book III*, Infinity Publishing

James R. Fitzgerald Associates, LLC

James R. Fitzgerald Associates, LLC
615 Route 9 S.
#803
Cape May Court House, New Jersey 08210

Mintz Group
450 Sansome Street, Suite 700
San Francisco, CA 94111

Attn: Staci E. Dresher
Partner, Associate General Counsel

October 2, 2017

RE: JRF Case No. 17-103
BOFI – Potential Defamation Matter

FORENSIC LINGUISTIC/AUTHORIAL ATTRIBUTION REPORT

This report is based on the receipt of various written communications relating to captioned Mintz Group investigation and their subsequent analysis by James R. Fitzgerald Associates (JRF). The communications electronically forwarded to JRF by Ms. Dresher include approximately 90 messages found on Twitter accounts listed under the names “@Tysoncapllc” (@T) and “@AureliusValue” (@A).

Questioned Communications

JRF assessed approximately 90 Twitter messages, aka “tweets,” under the two aforementioned names, in an attempt to determine if there are common authorship features between them. In other words, did the author of one set of tweets, specifically @T, possibly compose and subsequently post some of the tweets found in @A?

In this analytical undertaking, JRF assessed approximately 50 separate @T tweets, and approximately 40 separate @A tweets.

Authorial Attribution Analysis

After a careful and thorough linguistic analysis and assessment of the approximately 90 aforementioned communications of both @T and @A, it is readily apparent on the surface that the topic, theme, and tone of each is virtually identical throughout. That is, virtually every tweet message is negative as it relates to BOFI and/or its management.

Also readily apparent in the various tweet messages is an inconsistency in the choices of punctuation utilized between them. Specifically, it is apparent that in at least 30 tweets the author of @T chooses to omit a standard period (".") at the end of the message. The period is omitted even when there are fewer than the maximum 140 characters present in the message. In the @T tweets, there are only two messages which end with a standard period. In the @T tweets, some of the other messages end in points of ellipses, question marks, and exclamation marks.

Overall, the writing style found within the @T tweets appears relatively consistent. It is opined that most, if not all, of the @T tweets are the result of one contributor/author.

In the @A tweets, at least 13 of the messages end with a standard period. In at least 21 of the messages the period is omitted. At least three messages end in exclamation points, and two messages end in points of ellipses. Overall, the writing style found within the @A tweets appears relatively inconsistent. It is opined that the 40 @A tweets are the result of more than one contributor/author.

Conclusion

Punctuation inconsistency within a similarly themed set of tweets by the same author/contributor is found to be relatively rare in the experience of JRF. In this matter, it is likely reflective of the fact that there was more than one author of the 40 @A tweets. It is likely that the author of the @T tweets, on numerous occasions, chose to tweet under the @A Twitter account as at least one of its several contributors/authors.

If there are any questions or comments regarding this report, please feel free to contact James R. Fitzgerald Associates, LLC, at jfitzjourney@gmail.com.